

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

<b>BRENDA RHAMES, et al.,</b>	§	
	§	<b>Case No. 7:17-CV-00009-O</b>
<b>Plaintiffs,</b>	§	
	§	
<b>vs.</b>	§	<b>The Honorable Reed C. O'Connor</b>
	§	
<b>UNITED STATES OF AMERICA, et</b>	§	
<b>al.,</b>	§	
	§	
<b>Defendants.</b>	§	
	§	
	§	

**PLAINTIFF RHAMES' RESPONSE IN OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS, OR, IN THE ALTERNATIVE, FOR SUMMARY  
JUDGMENT**

Plaintiff Brenda Rhames, by and through undersigned counsel, submits this Response in Opposition to Defendants' Motion to Dismiss, Or, In the Alternative, For Summary Judgment, ECF No. 206. For the reasons set forth in the memorandum separately filed per LR 7.1(d), Ms. Rhames opposes the Defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(1) and the alternative motion to dismiss under Fed. R. Civ. P. 56, but waives her claim for nominal damages.

Respectfully submitted this 15th day of October, 2018.

JAMES A. PIKL  
Jim.pikl@solidcounsel.com  
TX Bar No. 16008850  
**SCHEEF & STONE, LLP**  
2600 Network Blvd., Suite 400  
Frisco, Texas 75034  
(214) 472-2100  
(214) 472-2150 Fax

By: s/ Gary S. McCaleb

GARY S. MCCALED  
gmccaleb@adflegal.org  
AZ Bar No. 018848\*  
JEANA HALLOCK  
jhallock@adflegal.org  
AZ Bar no. 032678\*  
**ALLIANCE DEFENDING FREEDOM**  
15100 N. 90<sup>th</sup> Street  
Scottsdale, Arizona 85260  
(480) 444-0020  
(480) 444-0028 Fax

CHRISTIANA HOLCOMB  
cholcomb@adflegal.org  
CA Bar No. 277427\*  
**ALLIANCE DEFENDING FREEDOM**  
440 First St. NW, Suite 600  
Washington, DC 20001  
(202) 393-8690  
(202) 347-3622 Fax

*\*Admitted Pro Hac Vice*

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

In accordance with Local Rule 5.1(d), the foregoing pleading was served on October 15, 2018 in accordance with the CM/ECF filing system and FRCP 4.

By: /s/ Gary S. McCaleb

GARY S. MCCALED  
*Attorney for Plaintiffs*